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EXAMINER

PATEL, JAGDISH

ART UNIT

PAPER NUMBER

2164

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Please find below and/or attached an Office communication concerning this application or proceeding.

15

Office Action Summary

Application No.

09/354,263

Applicant(s)

DEATON ET AL.

Examiner

JAGDISH N PATEL

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
- 4a) Of the above claim(s) 49-70 and 80-97 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 and 71-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-97 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4,5,7. 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. The applicant's election of elected Group 1 (Claims 1-48 and 71-79) without traverse per response filed 2/12/02 has been noted. Accordingly, claims 49-70 and 80-97 have been withdrawn from considerations.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 42-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 42-48 recite limitations having "a computer" in line 3 and 6 of claim 42. Since there is no relationship is recited between computer(s) recited in line 3 and that recited in line 5, the examiner has interpreted that process steps of "receiving" and "providing" are using same computer. Accordingly, the limitation "providing.." in claim 1 is read as "providing, by [a] the computer..". This is proper because the providing step require "the purchase information" which is referenced in the "receiving" step.

Appropriate correction is required.

Dependent claims 43-48 inherit same deficiency as parent claim 42.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 31-36 and 71-79 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Harms (US Pat. 6,070,147).

Claim 31. Harms teaches a system for use in marketing (abstract, system for administering a loyalty marketing), the system comprising:

an electronic cash register for processing items at the point-of-sale (col. 4 L 15-21, cash register 3);

a computer remote from the point-of-sale and connected to the Internet (col. 50-54, ..data transmission to a networked computer..at a remote location..col. 6 L 32-38 teaches connection to the Internet); and

a substantially real-time communication link operable to carry information associated with the items from the point-of-sale to the Internet on a substantially real-time basis for receipt by the computer (col. 6 L 32-38, a marketing data record..transmitted to a central processor..in real time ...is accessed through ..an Internet).

Claim 32. The system of Claim 31, and further comprising a printer for printing information concerning the processed items (Harms, Fig. 1 cash register 3, col. 4 L 60-62 printing receipts).

Claim 33. The system of Claim 32, wherein the substantially real-time communication link is further operable to carry information from the Internet on a substantially real-time basis to the point-of-sale (Harms col. 10 L 59- col. 11 L 21, refer to discussion of real time data flow to/from central processing system and POS (while Joe Smith waits and col. 11 L 16- 35, transmit this message to transaction equipment..., issue the reward to the consumer directly)).

Claim 34. The system of Claim 33, wherein the substantially real-time communication link is connected to the printer (refer to claim 32 analysis).

Claim 35. The system of Claim 31, wherein the substantially real-time communication link is further operable to carry information from the Internet on a substantially real-time basis to the point-of-sale (Harms col. 10 L 59- col. 11 L 21, refer to discussion of real time data flow to/from central processing system and POS (while Joe Smith waits and col. 11 L 16- 35, transmit this message to transaction equipment..., issue the reward to the consumer directly)).

Claim 36. The system of Claim 31, and further comprising a router coupled to the point-of-sale (col. 6 L 51-57 IP router).

Claim 71. Harms teaches a method for use in marketing (abstract, system for administering a loyalty marketing), the method comprising:
receiving, at a remote location through the Internet, substantially real-time product purchase information from a retail store in conjunction with an identification code of a customer purchasing the products (col. 6, L 32-38, marketing data record include the product purchase information and id of a customer as shown in Fig. 3 and received at a central processing center via the Internet);

determining at the remote location an incentive to be

communicated to the identified customer (col. 10 L54- col. 11 L 7, refer to discussion of granting award to Joe Smith with who is identified) ; and

communicating data relative to the incentive to the identified customer at the point-of-sale (col. 11 L 22-35, ..retailer at the point-of-sale ..notified ..award to the consumer directly).

Claim 72. The method of Claim 71, wherein determining at the remote location an incentive to be communicated to the identified customer comprises determining an incentive based upon the product purchased information (col. 8 L 37-47, purchasing a given number of hamburgers qualifies the consumer for a specific award).

Claim 73. The method of Claim 71, wherein determining at the remote location an incentive to be communicated to the identified customer comprises determining an incentive based on information independent of the product purchase information (col. 8 L 8-22, award based on total points).

Claim 74. The method of Claim 72, wherein determining an incentive further comprises determining the incentive based on past purchases of the identified customer (col. 8 L 8-22 consumer points are based on past purchased).

Claim 75. The method of Claim 71, wherein determining an incentive comprises determining an incentive based upon the past purchases of the identified customer (col. 8 L 37-47, purchasing ..within a given month qualifies purchaser...).

Claim 76. The method of Claim 71, wherein determining an incentive to be communicated to the identified customer comprises determining an incentive that is associated with the products (col. 8 L 37-47, refer to the example cited).

Claim 77. The method of Claim 71, wherein determining an incentive to be communicated to the identified customer comprises determining an incentive that is not associated with the products (col. 8 L 8-22, gift certificate, a cash award).

Claim 78. The method of Claim 71, wherein communicating data relative to the incentive comprises communicating a notification of a future electronic discount to the identified customer at the point-of-sale (col. 8 L 8-22 "class of awards" includes discount on future purchases).

Claim 79. The method of Claim 71, wherein communicating data relative to the incentive comprises communicating data relative to the incentive to a printer located at the point-of-sale (col. 11 L 23-35 ..retailer at the point-of-sale is notified).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5, 7, 16-18, 22, 25, 26, 30 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harms et al. (US Pat. 6,070,147) (Harms) and further in view of Jones (WO 96/41289) (Jones).

Claim 1. Harms teaches a method for use in marketing comprising(a method and system for administering a loyalty marketing program (abstract):

detecting, at the point-of-sale, a plurality of Uniform Product Codes associated with respective items purchased by a customer(col. 4 L 15-26, "register 3 ..bar code reader 6,... the bar code (UPC) read

from the product identifies a product being purchased by a consumer);
and

transmitting, on a substantially real-time basis, the plurality of Uniform Product Codes (a plurality of identification data record, col. 5 L 49-51) over the Internet to a remote computer connected to the Internet(col. 5 L 62- col. 6 L 3, "purchase data record", col. 6 L 17-38, "marketing data record" (obtained by combining the purchase record and the "identification data") is transmitted to a central processing system ..in real-time..central processing system is accessed through an Internetn).

Whereas the marketing method of Harms, teaches the steps detecting of a plurality of the UPCs and transmitting purchase information over the Internet to a remote computer as recited in claim 1, it fails to disclose that the transmitted step as having "a plurality of UPCs as claimed. Jones in the same field of endeavor, however, teaches a method for use in marketing ("auditing of point-of-sale transactions", abstract) wherein a plurality of data representative of UPCs are provided via a communication link (p. 13 L 10-15, detect bar coded information..such as affixed to the retail products.. p.11 L 20-25, L 30-34, audit system 40 transmits the transaction data (UPCs) ..to an audit system central processor 60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the UPCs in the purchase data record of Jones and transmit the UPCs over the Internet to a remote computer as disclosed by Harms because UPC uniquely identify each item and using UPCs for identification of purchased items would facilitate further processing of the purchased items as UPCs are universally accepted by manufacturers and retail stores for market analysis.

Claim 2. The method of Claim 1, and further comprising receiving, at the point-of-sale, a plurality of signals indicative of the prices of the items(Harms: col. 5 L 62- col. 6 L 3, "The purchase information..acquired by the register 3..includes...cost of these items").

Claim 3. The method of Claim 1, and further comprising receiving, at the point-of-sale, from the remote computer an advertisement message for receipt by the customer and communicating the advertisement message to the customer (Harms: col. 11 43-46 ...transmitting an advertisement to the point of sale for display to the consumer..).

Claim 4. The method of Claim 3, wherein communicating the advertisement message to the customer comprises printing an advertisement message on a customer receipt (Harms: col. 11 L 49-55, ..placed on a receipt).

Claim 5. The method of Claim 1, wherein receiving, at the point-of-sale, a plurality of Uniform Product Codes comprises receiving at an electronic cash register, at the point-of-sale, a plurality of Uniform Product Codes (Harms: col. 4 L 15-26, cash register 3, bar code reader 6 which identifies products).

Claim 7. The method of Claim 1, and further comprising transmitting the plurality of Uniform Product Codes from the point-of-sale to a router associated with a plurality of points-of-sale, and wherein transmitting, on a substantially real-time basis, the plurality of Uniform Product Codes over the Internet to a remote computer connected to the Internet comprises transmitting, from the router, on a substantially real-time basis, the plurality of Uniform Product Codes over the Internet to a remote computer connected to the Internet(Harms col. 6 L 47-57, network I/O circuitry..IP router that routes TCP/IP datagrams).

Claim 16. Regarding claim 16, Harms discloses a system for use in marketing comprising(abstract):

a scanner for reading Uniform Product Codes of items presented-at the point-of-sale of a retail store (a barcode reader 6, col. 4 L 15-29, bar code (UPC) is read from the product..);

an electronic cash register in communication with the

scanner and operable to receive the Uniform Product Codes (col. 4 L 15-29 cash register 3)
and

a communication link providing data on a substantially real-time basis to the Internet (col. 6 L 32-38, marketing data include purchase information as disclosed in col. 5 L 62-64).

Harms fails to teach that the provided data on a substantially real-time are representative of the UPCs.

Jones in the same field of endeavor, however, teaches a method for use in marketing wherein a communication link provides data representative of the UPCs ("auditing of point-of-sale transactions", abstract) wherein a plurality of UPCs are transmitted to a remote computer on a real-time basis (p. 13 L 10-15, detect bar coded information..such as affixed to the retail products.. p.11 L 20-25, L 30-34, audit system 40 transmits the transaction data (UPCs) ..to an audit system central processor 60).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a data representative of UPCs as disclosed by Jones on a communication link on a substantially real-time basis to the Internet as disclosed by Harms because providing UPCs would uniquely identify each item and would facilitate further processing of the purchased items as UPCs are universally accepted by manufacturers and retail stores for market analysis.

Claim 17. The system of Claim 16, and further comprising a printer for printing information associated with the items (Harms col. 4 L 50-54..receipt generation.,)

Claim 18. The system of Claim 16, and further comprising a computer connected to the Internet and located remote from the retail store for receiving the provided Uniform Product Codes (Harms Col. 4 L 50-54 ...data transmission a networked computer that is at a remote location).

Claim 22. The system of Claim 16, wherein the communication link comprises a wedge disposed between the scanner and the electronic cash register (refer to Fig. 1 Harms; communication device 18 which is disposed between scanner15 and cash register 3).

Claim 25. The system of Claim 16, wherein the communication link comprises a router coupled to the point-of-sale (Harms, col. 6 L 51-57, "IP router").

Claim 26. The system of Claim 16, wherein the communication link comprises a router and an associated connection between the router and the point-of-sale (Harms, refer to Fig. 1 and 4, network I/O).

Claim 30. The system of Claim 16, wherein the communication link comprises a unit connected to the point-of-sale, the unit selected from the group consisting of a router, an incentive controller, and a register controller (Harms col. 6 L 52-58, an IP router).

Claim 41. all limitations are analyzed as in method claim 1 with the following clarification.

The Uniform Product Codes (UPCs) as transmitted to a remote computer are communicated to a remote computer (Jones: audit system central processor 60) themselves are not manipulated (for altered in any manner) as disclosed Jones p.12 L 1-11.

Please refer to claim 1 for further analysis of claim limitations.

8. Claim 6, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harms and Jones as applied to claim 5 above, and further in view of Lieb et al. (US Pat. 5,875,415).

Whereas, Harms and Jones teach a method for use in marketing as recited in claim 5, both references fail to teach receiving at a wedge disposed between a cash register and a scanner for scanning the respective items, at the point-of-sale, a plurality of UP codes. Lieb in the same field of endeavor, however, discloses a method for data acquisition using a wedge between a scanner for scanning product items and a cash register(col. 63- col. 2 L 2, keyboard wedges, and col. 2 L 36-47 need for a "bar code scanning to be able to use a particular data acquisition device with different host devices..."). It would have

been obvious to one of ordinary skill in the art at the time of the invention to implement a wedge between a cash register and a scanner as disclosed by Lieb and receive a plurality of UP codes at the wedge disposed between a cash register and a scanner for scanning the respective items because the "wedge" so disposed would enable use of the scanner with a different host devices without having to physically reconfigure the bar code scanner with different internal interface boards (Lieb, col. 2 L 36-42).

Claims 23 and 24. refer to analysis corresponding method claim 6 discussed above. (note that the first end and second are identified in Figure 3(c) as first end disposed between data acquisition device 1 and acquisition device 2 and second end connected to Host device 40.

All other limitations of claims 23 and 24 are analyzed as in claim 16.

9. Claim 8, 9 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harms and Jones as applied to claim 1 above, and further in view of Giuliani et al. (US Pat. 5,974,399).

Claim 8: Whereas, Harms and Jones teach a method for use in marketing as recited in claim 1 as discussed above, both references fail to disclose transmitting on a real-time basis the plurality of UPCs to an incentive controller connected to the POS and further transmitting from the incentive controller to a remote computer as recited in claim 8.

In the same field of endeavor, however, Giuliani teaches a method for use in marketing wherein a plurality of UPCs are transmitted on a substantially real-time basis to an incentive controller (Fig. 1 "plurality of checkout terminals 12.1...12.N" are connected to an incentive controller 22, col. 4 L 13-43 and "when triggering item is encountered in the...consumer's order..." col. 5 L 9-13 suggests real-time transmission of POS data). Giuliani, further teaches that the incentive controller transmits the plurality of UP codes to a remote computer (col. 5 L 28-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement an incentive controller between

the POS and the remote controller in the method of marketing per Harms and Jones as per Giuliani and transmitting on a substantially real-time basis , the UPCs to the incentive controller, and further transmitting the UPCs from the incentive controller to the remote computer as disclosed by Giuliani because the incentive controller (incentive control computer 22, Fig.1 Giuliani) would monitor sales transaction data and generate incentives for in-store transactions. Those skilled in the art would also be motivated to process the UPC codes as purchase data to generate in-store incentives managed by the store manager.

Claim 9: Whereas, Harms and Jones teach a method for use in marketing as recited in claim 1 as discussed above, both references fail to disclose transmitting on a real-time basis the plurality of UPCs to a register controller connected to the POS and further transmitting from the register controller to a remote computer as recited in claim 9.

In the same field of endeavor, however, Giuliani teaches a method for use in marketing wherein a plurality of UPCs are transmitted on a substantially real-time basis to register controller (Fig. 1 "plurality of checkout terminals 12.1...12.N" are connected to register controller 10, col. 4 L 13-43 and "when triggering item is encountered in the...consumer's order..." col. 5 L 9-13 suggests real-time transmission of POS data). Giuliani, further teaches that the register controller transmits the plurality of UPCs to a remote computer via the incentive controller (col. 5 L 28-34, remotely located host 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement register controller between the POS and the remote controller in the method of marketing per Harms and Jones as per Giuliani and transmitting on a substantially real-time basis, the UPCs to the register controller, and further transmitting the UPCs from the register controller to the remote computer as disclosed by Giuliani because the register controller would access to various databases, including an item record file which contains

databases including a record of each item in the store's inventory, an essential process for operation of any store.

Claim 27: refer to analysis of corresponding method claim 8 above.

Claims 28 and 29: refer to analysis of corresponding method claim 9 above (a plurality of cash registers are interconnected like shown in Figure 1 of Giuliani).

All other limitations of claims 27-29 are analyzed as in parent claim 16.

10. Claims 10-15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harms and Jones as applied to claim 1 above, and further in view of Call et al. (US Pat. 5,913,210).

Claim 10. Harms fails to disclose the step of transmitting, on a substantially real-time basis, the plurality of Uniform Product Codes from the remote computer connected to the Internet to a computer accessible by the manufacturer of a product associated with at least one of the Uniform Product Codes. Jones, however, teaches that the remote computer is accessible by a manufacturer (p. 11 L 30-34 and p. 22 L 28-36) and that the remote computer receives the UPCs as discussed before. Harms teaches that the marketing data is transmitted to the remote computer (..while Joe Smith waits..col. 10 L 59-62) and subsequently a reward or incentive is communicated to the point-of-sale in real-time over the Internet (col. 11 L 29-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to transmit on a substantially real-time basis, the UPCs to a computer accessible by the manufacturer of a product associated with at least one of the UPCs in the similar fashion as the transmission of the UPCs via the Internet and on a substantially real-time basis from the POS to the remote computer as discussed in claim 1 analysis, because a real-time communication of

the UPCs (associated with purchases made by customers at a POS) would allow the manufacturer to promptly respond to the dynamic changes in the marketing data relevant to specific products to provide incentives at the POS and the Internet would provide low cost and wider access to smaller manufacturers (without having to build their private dedicated network) to the market data that retailers have gathered.

Claim 11. The method of Claim 10, wherein the computer accessible by the manufacturer is connected to the Internet (refer to discussion of claim 10).

Claim 12. The method of Claim 10, and further comprising transmitting, on a substantially real-time basis, data from the computer accessible by the manufacturer to the point-of-sale (refer to discussion of claim 10).

Claim 13. The method of Claim 12, wherein the data transmitted from the computer accessible by the manufacturer to the point-of-sale comprises transmitting, on a substantially real-time basis, the data through the remote computer to the point-of-sale (referring to claim 10 analysis, Jones, col. 22 L 28-35, temporary price reduction between manufacturers and retailers, as discussed before the incentive data are transmitted through the remote computer).

Claim 14. The method of Claim 12, wherein transmitting, on a substantially real-time basis, the data to the point-of-sale comprises transmitting, on a substantially real-time basis, data associated with an incentive for a customer at the point-of-sale (refer to claim 13 analysis).

Claim 15. The method of Claim 14, wherein transmitting, on a substantially real-time basis, data associated with an incentive for a customer at the point-of-sale comprises transmitting, on a substantially real-time basis, data associated with an incentive for

the customer at the point-of-sale in response to receiving, at the computer accessible by the manufacturer, Uniform Product Codes associated with respective items purchased by the customer (Harms, col. 10 L 54- col. 36, the customer receives incentive ("the reward") at the point-of-sale while he or she waits).

Claims 19 and 20. refer to corresponding method claim 10 analysis.

Claim 21. The system of Claim 19, wherein the client is a retailer (the remote system is connected to a retailer via a POS as discussed in claim 16).

11. Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harms as applied to claim 31 above, and further in view of Giuliani (US Pat. 5,974,399).

Whereas, Harms teaches all elements of the system for use in marketing as recited in claim 31, Harms fails to disclose an incentive controller coupled to the POS as recited in claim 37.

In the same field of endeavor, however, Giuliani teaches a system for use in marketing wherein an incentive controller is coupled to the POS (Fig. 1 "plurality of checkout terminals 12.1...12.N" are connected to an incentive controller 22, col. 4 L 13-43 and "when triggering item is encountered in the...consumer's order..." col. 5 L 9-13 suggests real-time transmission of POS data).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement an incentive controller coupled to the POS as disclosed by Giuliani because the incentive controller (incentive control computer 22, Fig.1 Giuliani) would monitor sales transaction data and generate incentives for in-store transactions.

All other limitations of claim 37 are analyzed as in claim 31.

Claim 38. Harms fails to disclose an register local area network as recited in claim 38.

In the same field of endeavor, however, Giuliani teaches a system for use in marketing wherein multiple registers are coupled via a register local are network (Fig. 1 "plurality of checkout terminals 12.1...12.N" are connected via a local area network known as store loop)

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the communication link comprising a register local are network as disclosed by Giuliani because the local are network would enable communication among store registers which would enable management of purchase information occurred at all registers.

All other limitations of claim 38 are analyzed as in claim 31.

12. Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harms as applied to claim 31 above, and further in view of Lieb et al. (US Pat. 5,875,415).

Claim 39. Harms teaches a method for use in marketing as recited in claim 31, and further comprising a scanner for scanning UPCs of the items (a bar code reader 6 shown in Fig.1 and recited in col. 4 L 15-20). Harms, however, fails to teach that the communication link receiving comprises a wedge disposed between a cash register and a scanner as per claim 39. Lieb in the same field of endeavor, however, discloses a system for data acquisition using a wedge between a scanner for scanning product items and a cash register (col. 63- col. 2 L 2, keyboard wedges, and col. 2 L 36-47 need for a "bar code scanning to be able to use a particular data acquisition device with different host devices...").

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement a wedge in the communication link between the cash register and the scanner as disclosed by Lieb because the "wedge" so disposed would enable use of the scanner with a different host devices without having to physically reconfigure the bar code scanner with different internal interface boards (Lieb, col. 2 L 36-42).

All other limitations are analyzed as in claim 31.

Claim 40. The system of Claim 39, wherein the wedge comprises an RS-232 Y-connector (Loeb col. 4 L 26-35) Note: RS-232 is one of many available formats available for implementation.

All other limitations are analyzed as in claim 39.

13. Claims 42, 43, 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and further in view of Harms et al. (US Pat. 5,913,210).

Claim 42. Jones teaches a method for use in advertising, the method comprising:

receiving, at a computer through the Internet, product purchase information for products purchased at a retail store (transaction data is received at an audit system central processor through a network p. 11 L 30-35); and

providing, by a computer, the product purchase information associated with only particular products of the purchased products to a client, the particular products associated with the client (p. 11 L 32-34, "further processing and use by manufacturers", since each manufacturer (client) would be interested in product of certain interest it is inherent that only relevant product purchase information would be provided).

Jones fails to explicitly teach that the product purchase information is received through the Internet substantially real-time. In the same field of endeavor, however, Harms teaches a method for use in advertising (loyalty marketing, abstract). Harms teaches receiving at a computer, through the Internet and real-time product purchase information for products purchased at a retail store (col. 6 L 32-38, accessed through wide area network ...or ...Internet, note: substantially real-time is inherent for data communication in this case).

It would have been obvious to one of ordinary skill in the art at the time of invention to have the product purchase information in the

Jones reference received at the remote computer through the Internet in substantially real-time because the Internet provides economical access to even smaller merchants to store systems to remote servers for marketing analysis and selection of incentives to be distributed to the customers without having their own proprietary networks. Furthermore real-time communication of purchase information benefits clients such as manufacturers to provide incentive to the customer at the point-of-sale and to obtain marketing data for quick response.

Claim 43. The method of Claim 42, wherein receiving, at a computer through the Internet, substantially real-time product purchase information comprises receiving Uniform Product Codes for the products purchased at the retail store ("retail sales transaction data" include U.P.C. of each product, Jones p. 12 L 1-11).

Claim 45. the product purchase information associated with only particular products of the purchased products comprises providing, by a computer, the UPCs associated with products manufactured by the manufacturer (p. 12 L 1-11, retail sales transaction data include the UPC of each retail product involved in the transaction and p.11 L 32-34 ..central processor 60 for further processing and use by manufacturers..)

Claim 46. The method of Claim 42, wherein receiving, at a computer through the Internet, substantially real-time product purchase information comprises receiving, at a computer through the Internet, Uniform Product Codes associated with purchased products and the prices at which the products were purchased (p. 12 L 1-11, U.P.C. of each..product, the price of that product, p. 13 L 30-34..for further processing and subsequent analysis/review by manufacturers..).

Claim 47. The method of Claim 46, wherein providing, by a computer, the product purchase information comprises providing, by a computer, the Uniform Product Codes for products manufactured by the client and the prices of the purchased products that are manufactured by the client (p. 12 L 1-11, U.P.C. of each..product , the price of

that product, p. 13 L 30-34..for further processing and subsequent review/review by manufacturers..).

14. Claims 44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Harms as applied to claim 43 above, and further in view of Garg (US Pat. 6,009,407).

Claim 44. Jones and Harms fail to disclose providing purchase information associated with products that are competitive to products manufactured by the client as recited. Garg in the same field endeavor teaches a method for use in advertising, which comprises providing, by a computer, product purchase information associated with products that are competitive to products manufactured by the client (col. 3 L 28- col. 4 L2, "market-level brand sensor provides information about brand sales for each brand")

It would have been obvious to one of ordinary skill in the art at the time of invention to implement the step of providing product purchase information associated with products that are competitive to products manufactured by the client because the product purchase information associated with products that are competitive to products manufactured by the client would facilitate decision-making for product marketing based on the sales competitive products to increase sales revenues and profits.

Claim 48. Jones and Harms fail to disclose providing the Uniform Product Codes for purchased products that are competitive to products manufactured by the client and providing the prices at which the products competitive to the manufacturer were purchased as recited. Garg In the same field endeavor teaches a method for use in advertising which comprises providing, by a computer, the Uniform Product Codes for purchased products that are competitive to products manufactured by the client and providing the prices at which the products competitive to the manufacturer were purchased. (col. 3 L 28-

col. 4 L2, "market-level brand sensor provides information about brand sales for each brand")

It would have been obvious to one of ordinary skill in the art at the time of invention to implement the step of providing the Uniform Product Codes for purchased products that are competitive to products manufactured by the client and providing the prices at which the products competitive to the manufacturer were purchased because the UPC would facilitate distinct identification of each product and thus enable the product information management and price information would facilitate decision-making for product marketing and pricing based on the sales of competitive products.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fredregill et al. (US pat. 6,138,911) discloses an in-store points redemption system and method in which a consumer earns and accumulates points for immediate use during transaction at a retail store.

PurPura, "Ralphs will Test Secure Couponing on Internet", Supermarket News, August 1997. This article discusses a method of providing product coupons over the Internet.

Boyd, "New directions in supermarkets", Incentive Nov 1994, provides survey of techniques used by supermarkets to improve customer count and increase sales per customer.

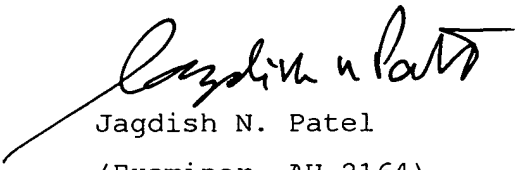
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 2100 is (703) 746-7239 or 7238. Draft or Informal faxes for

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this Art Unit can be submitted to (703) 746-7240. Draft faxes may also be submitted directly to the examiner at (703) 746-5563.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Jagdish N. Patel

(Examiner, AU 2164)

March 22, 2002